

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 2, 4-12, and 15-22 are currently pending. Claim 3 has been cancelled without prejudice or disclaimer; Claims 18-22 have been added; and Claims 1, 4, 5, 7, 10, and 11 have been amended by the present response. The additions and amendments to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-12 and 15-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,130,283 to Vogel et al. (hereinafter “Vogel”), U.S. Patent No. 6,567,415 to Elwalid et al. (hereinafter “Elwalid”), and U.S. Application Publication No. 2002/0163933 to Benveniste.

Applicants wish to thank the Examiner for the interview granted to Applicants’ representative on January 20, 2011, at which time the outstanding rejections of the claims under 35 U.S.C. § 103(a) were discussed, as substantially summarized hereinafter. During the discussion, the Examiner maintained that the previously recited features in the independent claims were disclosed by Vogel. At the end of the discussion, the Examiner indicated that the proposed amendment to the claims appeared to overcome the current art of record, and that the submitted official response will be considered by the Examiner.

Based on the discussion during the above-mentioned interview, independent Claim 1 has been amended to clarify that the filling status of a transmit queue which indicates how much sending data is in the transmit queue is determined, the actual needed amount of bandwidth as bandwidth needed in a next transmission frame is determined, that the actual needed amount of bandwidth depending on the filling status of the transmit queue and not exceeding the fixed amount of bandwidth, and that the actual needed amount of bandwidth is transmitted to the central controller with a current transmission frame.

As discussed during the interview, Vogel simply describes that the user terminal releases the full bandwidth when its buffers have been clear for a given period of time, T1, which is a full bandwidth shut down lag time.¹ Further, Vogel describes that the user terminal releases the minimum bandwidth after it has been idle for a longer period, T2.²

However, there is **no** disclosure in Vogel that the filling status of a transmit queue which indicates how much sending data is in the transmit queue is determined, the actual needed amount of bandwidth as bandwidth needed in a next transmission frame is determined, that the actual needed amount of bandwidth depending on the filling status of the transmit queue and not exceeding the fixed amount of bandwidth, and that the actual needed amount of bandwidth is transmitted to the central controller with a current transmission frame, as clarified in Claim 1.

Finally, Applicants respectfully submit that neither Elwalid or Benveniste, alone or in combination, remedies the above deficiencies of Vogel. No matter how the teachings of Vogel, Elwalid, and Benveniste are combined, the combination does **not** disclose or suggest the above features, as clarified in independent Claim 1.

The above discussion regarding independent Claim 1 also applies to independent Claims 4, 7, and 10 because these claims recite features analogous to the features recited in Claim 1.

Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejections of independent Claims 1, 4, 7, and 10 (and all associated dependent claims) be withdrawn.

The present response adds Claims 18-22, as discussed during the interview, for examination on the merits. No new matter has been added. It is respectfully submitted that the features of Claims 18-22 are not described in the art of record, and that these features should be considered and passed to allowance.

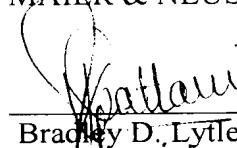
¹ See Vogel, column 7, lines 1-5.

² Id.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

Pranay K. Pattani
Registration No. 66,587